



Atty. Dkt. No. 050251/0131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.
Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT
Appl. No.: 09/432,523
Filing Date: 3 November 1999
Examiner: D. Isabella
Art Unit: 3731

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below. <u>SUSAN M. WHITE</u> (Printed Name) <u>Susan M. White</u> (Signature) <u>10-03-02</u> (Date of Deposit)
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REPLY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated 5 July 2002 concerning the above-referenced patent application.

REMARKS

This Reply is in response to the Office Action mailed on 5 July 2002. In that Office Action, claims 37, 38, 39, 41 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,318,528 to *Heaven et al.*, U.S. Patent No. 5,336,221 to *Anderson*, U.S. Patent No. 4,945,920 to *Clossick* or U.S. Patent No. 5,254,130 to *Poncet et al.* Reconsideration and withdrawal of all rejections in the Office Action is respectfully requested.

The Office Action states "Heaven et al, Poncet et al and Anderson disclosure use of a malleable hollow shaft including a clamp assembly with first and second movable jaws." Then, the Office Action lists *Heaven et al.*, as applying to claim 38, *Clossick* as applying to claim 39, "*Poncet et al.* and *Heaven et al.*" as applying to claim 41, and "any

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